

## McWhorter, Scott

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**From:** Cooper, Bill F <Bill.F.Cooper@hawaii.gov>  
**Sent:** Friday, January 08, 2016 11:17 AM  
**To:** bradedward@aol.com; Enright, Scott; Matsuda, Thomas K  
**Cc:** TenBrook, Patti; Cooper, Pam (Separated 1/1/16)  
**Subject:** RE: EPA's interpretation of Glyphosate Label and DOA's inability to cite another agency

Aloha Mr. Edwards.

Just for clarification, I am the Deputy Attorney General (DAG) assigned to represent the Clean Air Branch of the Department of Health, State of Hawaii (SOH). I do not represent the SOH Department of Agriculture, and thus would not be able to answer your legal questions without further research, even if I could. By stating "if I could", I am informing you of the role of a DAG and the policy of the Department of the Attorney General. We represent and provide legal advice to state agencies and employees on issues that pertain to their work. We do not, and can not, provide legal advice to the public.

To answer your legal questions I would suggest that you contact the Hawaii State Bar Association to obtain the name and contact information for a lawyer practicing in the field of law that you feel would be most likely to answer your legal questions.

I am sorry that I can't help you any further.

Sincerely,

Bill Cooper

**From:** bradedward@aol.com [mailto:bradedward@aol.com]  
**Sent:** Friday, January 08, 2016 8:44 AM  
**To:** bradedward@aol.com; Enright, Scott ; Cooper, Bill F ; Matsuda, Thomas K  
**Cc:** tenbrook.patti@epa.gov; cooper.pam@epa.gov  
**Subject:** Re: EPA's interpretation of Glyphosate Label and DOA's inability to cite another agency

Aloha Mr. Cooper,

I never heard back from Mr. Enright so I am forwarding this on to you in order to get some clarification.

Can you please provide me with the Hawaii statute or rule showing that the Hawaii Department of Agriculture does not have the power or authority to cite another government agency in Hawaii? This came up in their discussions with Pam Cooper, the head of the Pesticides Unit in the EPA's California office. She reported that Thomas Matsuda is insisting that the Hawaii Department of Agriculture does not have the power to cite another government agency. However, this directly contradicts the Notice of Warning that Thomas Matsuda sent out which states exactly the opposite. I attached the Notice of Warning document to this email for your review.

I look forward to hearing back from you.

Mahalo,  
Brad Edwards  
(808) 250-7929

-----Original Message-----

From: bradedward <[bradedward@aol.com](mailto:bradedward@aol.com)>

To: scott.enright <[scott.enright@hawaii.gov](mailto:scott.enright@hawaii.gov)>

Cc: thomas.k.matsuda <[thomas.k.matsuda@hawaii.gov](mailto:thomas.k.matsuda@hawaii.gov)>; cooper.pam <[cooper.pam@epa.gov](mailto:cooper.pam@epa.gov)>; bradedward <[bradedward@aol.com](mailto:bradedward@aol.com)>

Sent: Wed, Dec 30, 2015 7:59 am

Subject: EPA's interpretation of Glyphosate Label and DOA's inability to cite another agency

Aloha Scott,

I hope all is well. I spoke with Pam Cooper from the EPA office in California and she reported that the National EPA office got back to her regarding the EPA's evaluation of the language on the Glyphosate label that states "keep people and pets away until solution dries". According to Ms. Cooper the EPA is interpreting the label language exactly as it is written and they made it clear that steps must be taken to keep people and pets away until the solution dries.

In her discussions with Thomas Matsuda and the Hawaii Department of Agriculture she indicated that Mr. Matsuda informed her that they are working on coming up with alternatives. However, in the meantime he stated that there is nothing that they can do to force County and State agencies in Hawaii to follow the label as Hawaii law prevents one agency from taking a penalty action against another agency. I was able to read her the language on the Warning Notice that Thomas Matsuda sent to the Department of Transportation on September 3rd, 2015 that states that further violations will result in civil or criminal penalties. I have attached a copy of the Warning letter that your Department sent to the State DOT.

I was wondering if you could help clear up the conflicting information and provide me with the Hawaii Statute or Rule that prevents the your Department from issuing a civil or criminal penalty against another government agency? And can you specify if you are also prevented from issuing a civil or criminal penalty against both State & County Agencies in Hawaii, or is it just State agencies that you are prevented from citing? As you are aware, many of the current violations are coming from County Agencies around the State.

I look forward to hearing back from you.

Mahalo,  
Brad Edwards